

SENATE NO. 45

AN ACT RELATIVE TO THE DISPOSITION OF EASEMENTS FOR THE CONSTRUCTION AND OPERATION OF UTILITIES OVER CONSERVATION AND RECREATION LANDS IN THE TOWN OF BLACKSTONE

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. The commissioner of the division of capital asset management, on behalf of and in
2 consultation with the commissioner of the department of environmental management, is hereby
3 authorized, notwithstanding the provisions of sections 40F through 40I, inclusive, of chapter 7 of
4 the General Laws, to convey an easement over a certain parcel of land and any improvement(s)
5 located thereon, currently under control of and used by the department of environmental
6 management for conservation and recreational purposes for the Southern New England Trunkline
7 Trail, in the Town of Blackstone, to the Town of Blackstone, grantee(s), their successors and
8 assigns, for purposes of constructing, operating and maintaining utility lines, pipes, wires and
9 necessary appurtenances for water and sewer service to the Inhabitants of the Town of Blackstone,
10 subject to the requirements of sections 2, 3, 4 and 6, and to such additional terms and conditions
11 consistent with this act as the commissioner may prescribe in consultation with the department of
12 environmental management. Said easement area contains 16,600 square feet more or less and is
13 shown on a plan of land entitled "Easement Plan of Land in Blackstone, Massachusetts, Proposed

14 Permanent Utility Easement (Worcester County), scale 1 "=50', Date: February 7,2001" to be
15 recorded with Worcester South District Registry of Deeds and to be filed with the department of
16 environmental management. Modifications to the plan described above may be made prior to
17 conveyance to carry out the purposes of this act.

18 SECTION 2. No deed conveying, by or on behalf of the commonwealth, the title to the property
19 described in section 1 shall be valid unless such deed provides that said property shall be used
20 solely for the purposes described in section 1. The deed shall include a reversionary clause that
21 stipulates that the property will revert back to the commonwealth and assigned to the care, custody
22 and control of the department of environmental management if the property ceases to be utilized for
23 the express purposes for which it was conveyed.

24 SECTION 3. The conveyance authorized by section 1 shall be made only if the grantees of said
25 easement agree to assume the cost of any appraisals, surveys and other expenses deemed necessary
26 by the commissioner of the division of capital planning and operations for the granting of interests
27 to be conveyed.

28 SECTION 4. The conveyance authorized by section 1 shall be made only if the grantees
29 compensate the commonwealth through the transfer of land or an interest of land to the department
30 of environmental management, equal to or greater than the full and fair market value of the property
31 described in section 1, or its value in use as proposed, whichever is greater, as determined by
32 independent appraisal, or in a sum equal to the full and fair market of the property or its value in use
33 as proposed, whichever is greater, as determined by independent appraisal, or through some
34 combination thereof, provided that the grantees at a minimum shall at no cost to the department of
35 environmental management install two gates consistent with existing department design standard at
36 the vicinity of Fann and Old Elm Streets and provide the department with keys for same; cooperate

37 in the enforcement of regulations relative to the prohibition of motorized vehicles, after hours
38 loitering and illegal parking for the trail and Blackstone Gorge State Park; maintain the culvert and
39 stream flow under the trail right-of-way in the vicinity of Rathbun Street and that the proposed
40 utilities shall be installed at a depth sufficient to not adversely impact future work by the
41 department to grade or re-surface the trail.

42 SECTION 5. The commissioner of the division of capital asset management shall, 30 days before
43 the execution of any agreement authorized by this act, or any subsequent amendment thereof,
44 submit the agreement or amendment and a report thereon to the inspector general for his review and
45 comment. The inspector general shall insure his review and comment within 15 days of receipt of
46 any agreement or amendment. The commissioner of the division of capital planning and operations
47 shall submit the agreement and any subsequent amendments thereof, the reports and the comments
48 of the inspector general, if any, to the house and senate committees on ways and means and the
49 chairmen of the joint committee on state administration at lease 15 days prior to the execution. The
50 grantees of said property shall transfer the land or interest in land or pay the purchase price ass
51 determined in accordance with section 4 as set forth in the agreement and section 6 of this act.

52 SECTION 6. Any compensation, whether in the form of property or funds, received by the
53 commonwealth pursuant to section 4 and 5 of this act shall be deposited in the Conservation Trust
54 established pursuant to section 1 of chapter 132A of the General Laws.